

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Telephone Number Portability

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CC Docket No. 95-116

To the Commission:

Reply Comments of:

TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.

Brazos Telecommunications, Inc.
Brazos Telephone Cooperative, Inc.
Cameron Telephone Company
Cap Rock Telephone Cooperative, Inc.
Central Texas Telephone Cooperative, Inc.
Coleman County Telephone Cooperative, Inc.
Colorado Valley Telephone Cooperative, Inc.
Comanche County Telephone Company, Inc.
Community Telephone Company, Inc.
Cumby Telephone Cooperative, Inc.
Dell Telephone Cooperative, Inc.
E.N.M.R. Telephone Cooperative, Inc.
Eastex Telephone Cooperative, Inc.
Electra Telephone Company
Etex Telephone Cooperative, Inc.
Five Area Telephone Cooperative, Inc.
Ganado Telephone Company, Inc.
La Ward Telephone Exchange, Inc.
Lake Livingston Telephone Company
Lipan Telephone Company
Livingston Telephone Company
Mid-Plains Rural Telephone Cooperative, Inc.
Nortex Communications, Inc.
North Texas Telephone Company
Panhandle Telephone Cooperative, Inc.
Peoples Telephone Cooperative, Inc.
Poka Lambro Telephone Cooperative, Inc.
Riviera Telephone Company, Inc.
Santa Rosa Telephone Cooperative, Inc.
South Plains Telephone Cooperative, Inc.
Tatum Telephone Company
Taylor Telephone Cooperative, Inc.
Wes-Tex Telephone Cooperative, Inc.
West Plains Telecommunications, Inc.
West Texas Rural Tel. Cooperative, Inc.
XIT Rural Telephone Cooperative, Inc.

Texas Statewide Telephone Cooperative, Inc. (“TSTCI”) is an association representing twenty (20) telephone cooperatives and sixteen (16) commercial companies who provide local exchange service in the State of Texas and are within the jurisdiction of the Public Utility Commission of Texas. TSTCI members are rural in accordance with the definition in the Telecommunications Act of 1996. A list of TSTCI member companies represented is on the cover sheet of this filing.

TSTCI submits these reply comments in response to comments filed in response to the Commission’s *Second Further Notice of Proposed Rulemaking* (FNPRM) in CC Docket No 95-116, released on September 16, 2004, regarding reducing the time interval for intermodal porting (porting between wireline and wireless carriers).

Small Rural Companies Should Be Exempt from Reduced Porting Interval

TSTCI’s comments in this proceeding are supported by the initial comments filed by several parties (Organization for the Promotion and Advancement of Small Telecommunication Companies (OPASTCO), National Telecommunications Cooperative Association (NTCA), Nebraska Rural Independent Companies, the Iowa Rural Companies, Ohio Rural Companies, and South Dakota Telecommunications Association). All these commenters contend that the costs of reducing the current four-day intermodal porting interval would impose considerable costs to small and rural companies without any demonstrated need or demand for shorter porting interval by consumers.

The Office of Advocacy of the U.S. Small Business Administration (Advocacy) also commented that a reduced intermodal porting interval will have a significant impact on small telephone companies. Advocacy cited the substantial costs small and rural telephone companies already incurred to upgrade their switches for local number portability and the limited customer base that limits their ability to pass through their costs. In its comments, Advocacy recommended that the FCC grant an exemption to small companies from implementing a reduced porting interval. Advocacy also recommended that the FCC include a more detailed analysis of how the rule affects small entities in its final rule. TSTCI supports and appreciates the comments of Advocacy. Moreover, TSTCI very much appreciates Advocacy’s participation in this rulemaking and Advocacy’s discussion of issues small companies will face should the FCC ultimately decide to reduce the intermodal porting interval.

Not surprisingly, wireless industry commenters (Sprint, Nextel, T-Mobile, CTIA-Wireless Association) are in favor of the NANC proposal for reducing the current four-day porting interval. In TSTCI's opinion, the wireless industry commenters ignore the costs of reducing the porting interval to small, rural companies and their rural customers. These commenters seem to disregard the unique nature of small, rural companies and their small customer base.

Furthermore, the wireless commenters fail to take into account the rules and regulations wireline carriers are required to follow if a customer chooses to change their local service provider, i.e. porting their wireline number to a wireless carrier. Sprint, Nextel, and T-Mobile propose that, in order to speed up the porting process, the amount of information necessary to complete a port should be reduced to just a few data fields. However, wireline carriers are subject to federal and state commission slamming rules, as well as local number portability rules, when changing a customer's service provider.

For example, FCC rules require wireline carriers to follow a strict letter of agency (LOA) format when changing a customer's service provider¹. Sprint argues against including the customer's street address in a LOA, even though the FCC's slamming rule requires the LOA to contain the subscriber's billing address.

In addition to federal rules and regulations, TSTCI member companies are also subject to the Public Utility Commission of Texas (Texas PUC) slamming rules² that are more stringent than federal rules and regulations. The Texas PUC slamming rule requires the executing provider to have an LOA that includes the customer's billing name; billing address (street, city, state, and zip code); month and date of birth, mother's maiden name, or the last four digits of the customer's social security number. TSTCI is including a copy of the PUC rule as Attachment I. Consequently, TSTCI submits that this argument of the wireless industry commenters is without merit because it would conflict with both federal and state slamming rules that wireline carriers are required to follow.

¹ See 47 CFR §64.1130-Letter of agency form and content.

² P.U.C. Substantive Rule §26.130

Conclusion:

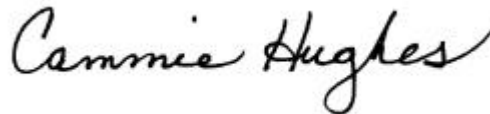
TSTCI respectfully requests that small, rural carriers be exempted from any requirement to provide a shorter intermodal porting interval than the current four-day porting interval, if the FCC ultimately decides to adopt the NANC recommendations. A reduced intermodal porting interval would impose significant costs to rural carriers without any demonstrated need or demand for shorter intervals on the part of consumers.

TSTCI also believes a reduced porting interval may lead to more errors in the porting process and consequently, increased customer frustration and potentially an increase in slamming complaints at the federal and state jurisdictions. TSTCI urges the Commission to keep the four-day porting interval requirement for the small ILECs.

TSTCI appreciates this opportunity to provide reply comments and to express the concerns of rural Texas ILECs.

Respectfully submitted,

Texas Statewide Telephone Cooperative, Inc.

A handwritten signature in black ink that reads "Cammie Hughes". The signature is written in a cursive, flowing style.

By: Cammie Hughes
Authorized Representative